

The facts of this case and the law justify the following order.

ORDER

Respondents are ordered to:

1. Permanently correct the violation at their own expense within six (6) months after the receipt of this issued NOVO. In particular:
 - a. Within sixty (60) days, retain the services of a licensed engineer to submit to the Department new IWS plans for the dwelling structure;
 - b. Within ninety (90) days after the plans are approved by the Department, retain the services of a licensed contractor to construct the new IWS; and
 - c. Within thirty (30) days after the construction is complete, have the licensed engineer submit the final inspection report to the Department.
2. Within twenty-one (21) days after receipt of this NOVO, submit to the Department a written report of the steps Respondents have taken and will take to comply with this Order. Include a schedule or timeframe for each step.
3. Within twenty-one (21) days after receipt of this NOVO, pay an administrative penalty of **\$9,243.00** for the violation to date pursuant to HRS §342D-31.
4. Pay an administrative penalty of **\$50.00** for each day the wastewater system continues to be in violation of HAR §11-62-31.1(f) following one hundred eighty (180) days after receipt of this NOVO, pursuant to HRS §342D-31.
5. Send penalty payments and reports to the State of Hawaii, Wastewater Branch, 2827 Waimano Road, Room 207, Pearl City, Hawaii 96782. Checks shall be made payable to "State of Hawaii" and include a reference to NOVO No. 21-WW-EO-03.

The provisions of this NOVO shall become final unless, within twenty (20) days after receipt, you submit a **written** request for a hearing to the Hearings Officer at the address provided below. Your written request should include a copy of the NOVO. You may file the hearing request in person at the Director's office, during regular business hours, or may mail the same to the Hearing Officer at the below address within the allotted time. **Failure to timely file the hearing request and related documents may result in a denial of your hearing request.**

If a hearing is properly requested, a pre-hearing conference may be set by the Hearings Officer and you will be notified of the date, time and place of the pre-hearing conference.

The hearing will be conducted in accordance with HRS Chapter 91 and HAR Chapter 11-1. If you have special needs due to a disability and these needs will aid you in participating in the hearing or pre-hearing conference, please contact the Hearings Officer at (808) 586-4409 (voice) or through the Telecommunications Relay Service (711), at least ten (10) working days before the hearing or pre-hearing conference.

At the hearing, the parties may present relevant evidence and argument on the issues raised by this case. The parties may also examine and cross-examine witnesses and present exhibits.

Parties may be represented by legal counsel at their own expense. An individual may appear on his/her own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation, or trust, or association may represent the corporation, trust, or association.

At the hearing, you may seek to avoid any penalty, and the Department may seek the maximum penalty of \$25,000 per day, per violation. After the hearing, the Director or the Hearings Officer will decide the actual administrative penalty, which may be more or less than this order, or none. The Order shall be affirmed, modified, or rescinded by the Director or Hearings Officer.

The written request for a hearing, along with the related documents and pleadings in this case shall be directed to:

Hearings Officer
c/o Director of Health
Department of Health
1250 Punchbowl Street, Third Floor
Honolulu, Hawaii 96813

All other inquiries regarding this matter shall be directed to:

Sina Pruder, P.E., Chief, Wastewater Branch at 586-4294.

Approved as to form:



KATHLEEN HO
Deputy Director for Environmental Health



DALE K. SAKATA
Deputy Attorney General

Date: 8/6/2021

Date: August 4, 2021

CERTIFIED MAIL NO.: 7021 0350 0001 7984 0333
RETURN RECEIPT REQUESTED

Clju